

REMARKS

I. Introduction

In response to the Office Action dated March 14, 2005, claim 2 has been amended to incorporate the subject matter recited by claims 1, 4 and 8, and claim 3 has been amended to incorporate the subject matter recited by claims 1, 5 and 8. Claims 1, 4, 5 and 8 are canceled, without prejudice or disclaimer. The dependency of claims 6 and 7 has also been amended to depend on amended claim 3. Support for these amendments can be found, for example, in Figs. 7 and 9, and their corresponding sections of the specification. No new matter has been added.

For the reasons set forth below, Applicants respectfully submit that all pending claims are patentable over the cited prior art references.

II. The Rejection Of Claims 1-3 Under 35 U.S.C. § 102

Claims 1-3 are rejected under 35 U.S.C. §102(e) as being anticipated by USP No. 6,603,519 to Fukiharu. Applicants respectfully traverse this rejection for at least the following reasons.

Claim 2 recites in-part that the marginal portion of the protecting panel is retained *between* the casing and the *holding members*, and a surface of the foam in contact with the marginal portion is bonded to the marginal portion.

In the pending rejection, the Examiner identifies “Fig. 4, ref. 3” of Fukiharu as the claimed holding member. As a preliminary matter, Applicants respectfully submit that it is not entirely understood to which specific element of Fukiharu is identified as corresponding to the claimed holding member, because Fukiharu does not disclose any element as having the reference character “3.” Even assuming *arguendo* that the foregoing alleged identification is

proper, it is important to note that the protective cover 102 of Fukiharu is retained between the layer of metal 306 forming part of the casing 305 and the alleged restorative member 103 (see, page 4, last paragraph to page 5, line 1 of Office Action). That is, the protective cover 102 of Fukiharu is *not* retained between the casing 305 and *a holding member*. Accordingly, Fukiharu is completely silent with regard to a holding member. This is supported by the fact that the protective cover 102 of Fukiharu is not held by any means so that Fukihara does not disclose or suggest “holding members for holding the protecting panel,” as recited by claim 2.

If the pending rejection is maintained, it is respectfully requested that the next Office Action provide a detailed explanation with regard to the alleged holding member so as to afford the Applicants an opportunity to further address the Examiner’s concern.

Furthermore, claim 2 recites that the restorative member is a foam, and a surface of the foam in contact with the marginal portion is bonded to the marginal portion.

In the pending rejection to claim 8, the Examiner relies on the second elastic member 11 of Niibori as allegedly disclosing “a restorative member made of foam,” and the gasket 314 of White as alleged disclosing that “the restorative member is in contact to a marginal portion or the panel frame (see, page 5, lines 4-6 of Office Action).”

It is respectfully submitted that there is no suggestion or motivation from the prior art for establishing a restorative member having the claimed structure in the liquid crystal display of Fukiharu or the display apparatus of Niibori, and White has disclosed only that the gasket 314 is placed between the housing shell 204 and the touch screen overlay 212. White is also silent with regard to a protecting panel, let alone being held via the alleged restorative member 314.

As best understood, the alleged motivation cited on page 5 of the outstanding Office Action *assumes* that the alleged restorative member disclosed by Fukiharu and Niibori does not

function to “absorb shock” or provide a “durable and reliable” display so as to arrive at the motivation to place the alleged restorative member in contact with the alleged marginal portion or panel frame.

It is respectfully submitted that the alleged motivation for making the combination is not derived from the prior art, but rather, inadvertently from the Applicants’ disclosure. As such, it is submitted that the pending rejection selects elements from various references and combines them without the requisite suggestion *from the prior art* that such a combination is desirable. In other words, the proposed combination is based *solely* on improper hindsight reasoning, utilizing Applicants’ specification as a guide to pick and choose the selected elements from different prior art references so as to reach the claimed invention. At best, the rejection shows only that the *individual* elements of the claimed invention are known without providing a *prima facie* showing of obviousness that the *combination* of elements is known or suggested.

Furthermore, there is no evidence from the cited prior art for supporting the alleged motivation. Indeed, such an assertion *improperly assumes* that the adhesive 103 of Fukiharu does not function to “absorb shock” such that the second elastic member 11 of Niibori is needed. Then, when deciding how to supplement Fukiharu and Niibori with the gasket 314 of White as allegedly in contact with alleged marginal portion or panel frame, the pending rejection merely alleges that “one would be motivated to provide a ‘durable and reliable’ display” as taught by White, thereby further assuming that the liquid crystal display of Fukiharu and the display apparatus of Niibori are not durable and reliable. However, it should be noted that the portion of White citing a durable and reliable display is directed to an upgradeable and customizable computing system, and is not directed to the gasket 314 or the LCD display of White. Accordingly, it is respectfully submitted that the pending rejection has improperly developed a

hypothetical scenario and relied on assumptions to devise how one would include the elastic member 11 of Niiibori and the gasket 314 of White, without any indication from the prior art that there is a need for these elements. In this regard, it is also important to note that the adhesive 103 of Fukiharu appears to be capable of absorbing shock, while the display apparatus of Niibori is capable of withstanding any strong impact (i.e., durable and reliable) (see, col. 2, lines 58-62). That is, there is no disclosed need, desire, or purpose for making the adhesive 103 of Fukiharu any more shock absorbent or the display apparatus of Niibori more durable than already disclosed in their respective disclosure.

Even again assuming *arguendo* that the interpretation set forth in the rejection that such a need for a restorative member having the claimed structure is present in the prior art, there is no suggestion from Fukiharu, Niibori or White that one of ordinary skill in the art would develop a restorative member in the manner recited in claim 2. Importantly, claim 2 does not merely recite a restorative member. Rather, claim 2 also recites a protecting panel being held via a restorative member, where a surface of the restorative member is bonded to the marginal portion of the protecting panel.

In contrast, *no* protecting panel is being held by the gasket 314 of White, and the gasket 314 is only bonded to the housing shell 204 and the touch screen overlay 212 (see, Fig. 3A). That is, the gasket 314, at best, is bonded to the touch screen overlay 212, and is *not* bonded to a protecting panel. Accordingly, White does not cure the defects of Fukiharu, because White does not disclose or suggest “a surface of the foam in contact with the marginal portion is bonded to the marginal portion [of the protecting panel],” as recited by claim 2.

Even further assuming *arguendo* that the proposed combination is proper, claim 2 expressly recites that the marginal portion of the protecting panel held by the restorative member

is retained between the casing and the holding member. That is, the foregoing claim language sets forth a restorative member that is held between the casing and the holding member. As neither the second elastic member 11 of Niibori nor the gasket 314 of White is held between the alleged casing and a holding member for reasons discussed *supra*, it is respectfully submitted that the proposed combination does not arrive at the claimed invention.

With respect to claim 3, this claim recites that the foam in contact with one of the marginal portion and the panel frame is bonded to ***only one of*** the respective marginal portion and panel frame. That is, claim 3 requires that while the foam is securely fixed to one of the marginal portion and the panel frame, the foam is ***not*** securely fixed to the other of the marginal portion and the panel frame.

In accordance with one exemplary embodiment of the present invention, the resin foam having flexibility is interposed between the marginal portion of the protecting panel and the panel frame of the liquid crystal panel. Specifically, the resin foam is securely fixed to the protecting panel at the surface contacting the protecting panel. Alternatively, the resin foam may be securely fixed not to the protecting panel but to the panel frame of the liquid crystal panel. As a result, the liquid crystal panel can advantageously be replaced at the time of periodical maintenance, as only the resin foam is securely fixed to ***only one of*** the marginal portion and the panel frame (see, e.g., page 8, line 30 to page 9, line 3 of the specification).

In contrast, as readily illustrated in Fukiharu, the adhesive 103 is bonded to ***both*** the protective cover 102 and the transparent panel 101. Niibori does not cure this defect of Fukiharu, because Niibori expressly discloses that the “third plate member is fixed to the outer casing member via an elastic member (see, col. 6, lines 32-34).” That is, the elastic member of Niibori is bonded to ***both*** the plate member and the casing member. Similarly, White does not

disclose the foregoing claimed feature, because the gasket 314 is not in contact with a protecting panel for reasons set forth above, let alone having only one surface thereof bonded to one of a protecting panel or panel frame. Accordingly, Fukiharu, Niibori and White do not disclose or suggest that the alleged foam is bonded to only one of the respective marginal portion and panel frame, as recited by claim 3.

For all of the foregoing reasons, it is respectfully submitted that claims 2 and 3 are patentable over the cited prior art.

III. All Dependent Claims Are Allowable Because The Independent Claims From Which They Depend Are Allowable

Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as independent claims 2 and 3 are patentable for the reasons set forth above, it is respectfully submitted that all claims dependent thereon are also in condition for allowance.

IV. Conclusion

Accordingly, it is urged that the application is in condition for allowance, an indication of which is respectfully solicited.

If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

Application No.: 10/671,478

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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